

Humanae Vitae: Heroic, Deficient – or Both?

by John Galvin

The great encyclical of Pope Paul VI, many would argue, was the catalyst that brought the Modernist Revolt within the Church out into the open. Catholics presently are living amidst this insurgency within the Church. It is, therefore, impossible to write a competent and dispassionate history at present. However, not a few have already asked, and are investigating, how the Modernists breached the bulwark of the Church's defenses with such effortless rapidity. It is becoming apparent that the present agony was long in the making. Little embraces of a "new theology" led, step by step, to an initial distancing from and eventual hostility toward traditional Catholic theology.

A good Catholic memory recalls that in the emotional flush immediately following the Second Vatican Council, the "New Pentecost" paradigm ushered in an era that embedded the impression that every nook and cranny of the Church's life must be rethought and reconsidered in a novel light. Catholics committed to the traditional theology of the Church have not infrequently remarked that the post-conciliar environment created the notion that historical development prior to 1962 (the year the Council opened) was either suspect, irrelevant, or insufficient for the needs of the modern world. This phenomenon (contemptuous of 2000 years of historical organic growth) has contributed to the inorganic development of both ecclesial structure and theology (especially in the areas of liturgy and ecumenism).

Mr. John Galvin, in the following article, suggests that even what many would consider to be the greatest of Pope Paul's encyclicals, one that he knew would antagonize the very modern world that he longed to affect, was itself a victim of this milieu.

*Interestingly, Mr. Galvin's thesis echoes remarks made by Father Stanley Jaki, the great Benedictine man of science, concerning a puzzling vacuum present throughout the entire body of documents from Vatican II. He observes that the most decisive aspect of human history has been the "monumental struggle against the powers of darkness." Though this is the precise language employed in *Gaudium et Spes*, Father Jaki raises a troubling question: "Why is it that a Council, whose documents occupy at least twenty thousand lines, had only six lines for what according to the Council itself is the most real aspect of human history?" In other words, it's not that what was stated is wrong, but that the scope of the discussion, so critical to the understanding of humanity, is severely deficient.*

*The Latin Mass questions neither the heroism nor the orthodoxy of *Humanae Vitae*. We offer Mr. Galvin's thesis because it's an intelligent articulation of what appears to be a growing conviction among Catholics who have suffered through 40 years of the "autodemolition" of the Faith: namely, that a sober reassessment of documents emanating from the Magisterium, issued amidst the heated turmoil of ecclesial and cultural revolutions, will be integral to the Catholic Restoration. The fact that an obviously well-informed Catholic father of eleven children would have the temerity to include *Humanae Vitae* as a candidate for this re-evaluation is itself telling.*

*Due to the seriousness with which we undertake this discussion, Mr. Galvin's article is followed by the responses of two prominent defenders of the encyclical, Dr. Janet Smith, one of the world's foremost authorities and commentators on *Humanae Vitae*, and Dr. Ronald McArthur, President Emeritus of Thomas Aquinas College and a Contributing Editor to *The Latin Mass*.*

A received wisdom exists among both liberals and conservatives regarding *Humanae Vitae*: “In opposition to ‘the spirit of Vatican II’ which otherwise prevailed in the Church at that time, *Humanae Vitae* was a strong reaffirmation of the Church’s traditional teaching on birth control. Liberals were dismayed to see the Church return to a ‘pre-Vatican II’ approach, while conservatives were pleased to see a period of experimentation brought to a halt.”

The purpose of this article is to determine what correspondence, if any, exists between reality and this accepted history. When we examine closely the actual text of the encyclical, do we find that it indeed reinforces the constant teaching of the Church? Or is it possible that it repudiates nearly everything taught by Pope Paul’s predecessors? What if *Humanae Vitae* was not a stabilizing influence at all, but instead was a radical new element in the history of Catholic moral doctrine?

We may begin by noting that amidst the many disputes regarding *Humanae Vitae*, one fact is indisputable: the encyclical has absolutely failed in its mission to teach and to persuade Catholics. Statistics show that contraceptive usage is ubiquitous. Widely available data indicate only five percent of women of childbearing years are refraining entirely from the use of artificial contraceptives. The total effect of contraceptive usage by American Catholics has resulted in a birth rate far below the replacement level, correlating with data from virtually every Catholic country in Europe – most notably Italy, which has one of the lowest birthrates in the world.

The Alan Guttmacher Institute reports that fertility rates remained “much higher” for Catholics than for Protestants “until the late 1960s” (when *Humanae Vitae* was released), but since that time they have plummeted to levels even lower than those of Protestants. The proportion of Catholics using birth control is so large that it could not possibly be any larger even if *Humanae Vitae* had come out and repudiated the Catholic teaching. As John Kippley, founder of the Couple to Couple League, explained: “With a continuation of the *status quo* [1991], a parish priest can expect that about 97% to 99% of his newlyweds will be using unnatural methods of birth control.”

How then do we explain such an abject failure of the teaching authority of the Church? For three decades liberals have claimed that the low acceptance rate of the en-

cyclical indicates that it must be wrong. These dissidents have no difficulty establishing a *prima facie* case: “How could a teaching of the Church be so utterly rejected if it is indeed true?” But this argument is self-referential: “The teaching is false because I reject it, and I reject the teaching because it is false.”

Counterpoised against this tautology is a massive amount of evidence concerning the lethal effects of contraception, spiritually as well as physically. Everyone has seen statistics describing the skyrocketing incidence of pornography, masturbation, fornication, adultery, divorce, homosexuality and abortion since 1968. These “leading cultural indicators” demonstrate that the much touted “*sensus fidei*” may be nothing more than mass apostasy.

At a more fundamental level, for a believing Catholic, rejecting this teaching amounts to rejecting the Faith.

For this moral doctrine has been taught repeatedly and dogmatically, not by one pope, but by every recent pope, not just in recent times, but throughout the history of the Church. If the teaching

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on contraception is false, then the authority of the Magisterium is empty. As Father John Hardon, S.J., has said, “Professed Catholics who practice contraception either give up the practice of contraception or they give up their Catholic faith.”

Meanwhile the Church apparatus has clung with equal tenacity to the belief that there is no problem with *Humanae Vitae*. On this issue they have reacted as they have to so many other problems in recent decades: a resolute head-in-the-sand approach. While the liberals’ approach amounts to discarding the Faith, the approach of the hierarchy means despairing of the faithful. For this position essentially says, “We recognize that virtually all Catholics are living in a state of serious sin, but there is nothing we can do about it, so we wash our hands of responsibility.”

This responsibility will not be shrugged off so easily. As Father Hardon’s writings point out, contraception is not only “fatal to the Faith,” but “fatal to salvation” as well: “The practice of contraception is a grave sin. Those who indulge in the practice are in danger of losing their immortal souls.... Christianity has always held, holds now, and always will hold, that contraception is a serious offense against God. Unless repented, it is punishable by eternal deprivation of the vision of God, which we call eternal death.”

It is intolerable that the Church should stand by passively as the vast majority of its members – amounting to

hundreds of millions of souls – lead lives that must come to eternal perdition. Isn't it likely that the failure is not only on the part of those listening, but also on the part of those preaching as well? This is where we must consider a third alternative: "The doctrine is true, but the presentation has been fatally flawed."

By "presentation" I do not mean rhetorical style; it is not simply a matter of saying the same things in a different way. Rather, *Humanae Vitae* needed to say very different things if it wished to present the Catholic teaching on birth control in all its fullness and beauty and with the requisite persuasiveness. It is the abandonment of Sacred Scripture, of Catholic tradition, of Catholic doctrine, and of Catholic philosophy that has rendered the encyclical incapable of convincing the faithful and has left the Church unable to cope with the moral breakdown that has afflicted virtually every Catholic country in the world.

As the noted natural law philosopher J. Budziszewski said in the journal *First Things*: "Though addressed not only to Roman Catholics but to 'all men of good will,' *Humanae Vitae* is both diffuse and elliptical; its premises are scattered and, to non-Catholics, obscure. Though the encyclical letter is magisterial in the sense of being lordly, it is not magisterial in the sense of teaching well. It seems to lack the sense, which any discussion of natural law requires, of what must be done to make the self-evident evident, to make the intuitive available to intuition, to make what is plain in itself plain to us."

Below I explore in detail nine spe-

cific problems that have rendered *Humanae Vitae* impotent and resulted in the rejection of its conclusions.

1. Bureaucracy and Delay

By the time the encyclical *Humanae Vitae* was released, it was quite literally a "dead letter." Opposing viewpoints had been released to both Catholic and secular media in a steady stream. Rebuttals to the Church's position had been prepared and signed, only awaiting the moment of the encyclical's release for them to be submitted for publication. In hindsight, *Humanae Vitae* appears quite naïve when it makes the statement, "We believe that the men of our day are particularly capable of seeing the deeply reasonable and human character of this fundamental principle."

Now that three decades have passed, isn't it time that we as the Church started taking responsibility for our own failings and stopped bemoaning the fact that the encyclical was never given a fair hearing? The decision to

appoint a "Papal Commission for the Study of Problems of the Family, Population and Birth Rate" sealed the fate of the encyclical in three ways.

First, the decision to place the fate of a crucial Church doctrine in the hands of a commission can only be considered an act of imprudence. Janet Smith, who has researched the background of *Humanae Vitae* more extensively than anyone else in the world, says, "It is not possible to find a published statement that makes clear the purpose of this commission."

In the actual event, the creation of the Papal Commission turned out to be a major disaster. The commission released to the press a "Majority Report" that advocated a change in the perennial teaching of the Church. A seemingly authoritative document from the Vatican was now widely available in the press, signed by nine cardinals and archbishops, which said "responsible parenthood" could include the use of contraceptives. This viewpoint had the field all to itself for more than two years, sufficient time to garner increasing support and to turn public opinion away from the teaching of the Church.

Secondly, the appointment of the Papal Commission occasioned a delay of many years. The Pill was introduced in 1958. Vatican II opened in 1962. The study commission was appointed by Pope John XXIII in 1963 and later expanded by Pope Paul VI. The topic was covered in the

1965 Vatican II document *Gaudium et Spes*, but in only a cursory manner because Pope Paul VI had reserved this topic for himself,

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awaiting the recommendations of the commission. There is evidence that the Vatican II document only worsened the situation; upon the promulgation of *Humanae Vitae*, a Congress of theologians released a statement saying, "The Encyclical does not meet the expectations aroused by the pastoral constitution *Gaudium et Spes*."

These expectations were fed a steady diet of articles from various theologians, pundits and experts. Already by 1966, Richard McCormick, author of the compendium "Notes on Moral Theology" in *Theological Studies*, wrote that contraception had become "the major moral issue troubling the Church," and that the literature in the previous six months was "voluminous." Note that *Humanae Vitae* still was not to appear for two more years.

It was during these crucial years that the consensus of society turned away from the Church. It was during these years that the U.S. Supreme Court issued its *Griswold vs. Connecticut* decision invalidating state restrictions on the

dispensing of contraceptives. It was during these years that contraceptive usage rates began to skyrocket, forcing the Church into the position of requiring people to cease doing something that had become an integral part of their lifestyle, rather than merely maintaining the *status quo*.

This result can only be compared to the difference between driving a train and righting a train that has gone off the tracks. One requires virtually no effort, so little in fact that one might be tempted to take one's eye off the track. The other requires the coordinated efforts of thousands of men and even then is not guaranteed success.

Lastly, this bureaucratic approach dealt a fatal blow to *Humanae Vitae* itself, since it leads off with an admission that the Papal Commission reached an opposite conclusion. The message of the encyclical is thus crippled by a description of conflicts within the teaching authority of the Church. Readers of *Humanae Vitae* find that the well has been poisoned before they even come to the Church's point of view, a defect that will always remain a permanent part of the encyclical.

2. Lack of Context on Christian Marriage

At the Lambeth Conference of 1930, the Church of England approved the use of contraception by married couples, the first time such a thing had been permitted by any Christian denomination. Pope Pius XI was faced with a serious crisis, arguably as serious as the crisis faced by Pope Paul VI in the 1960s. Birth control usage became widespread among Protestants following this historic event, and fertility rates among white Protestants soon entered a period of decline from which they have never recovered. So the stakes were high.

The response of Pope Pius XI was immediate, since he realized that delay would sow doubt and confusion in the minds of the faithful. Fortunately he was able to release the Catholic response in the same year, 1930. His response did not require any panels, commissions or committees; it was dogmatic and magisterial.

Most notable about his response, however, was the fact that his encyclical was titled "On Christian Marriage," not "On Birth Control." He responded to the Anglican challenge by reaffirming the entire Christian view of the married life. Certainly he was firm and unambiguous on the issue of contraception – much more so than *Humanae Vitae* despite the latter's focus on this single topic – yet he was equally firm and unambiguous on several other controversial topics.

What *Casti Connubii* presents to the faithful is an entire Catholic way of life, one that must include fidelity, permanence and fruitfulness. Marriage may not be attempted on an *a la carte* basis; one does not pick and

choose individual items. When you make the choice for Christian marriage, then you buy the whole package, including generosity in accepting children from God. This approach was magisterial, systematic, logical, and – not least – successful.

In contrast, *Humanae Vitae* presents only a short synopsis of Catholic teaching on marriage. The general discussion of Christian marriage is contained in sections 8 and 9, little more than a dozen sentences combined.

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Personalist concepts of marriage such as "fully human" and "total" are each given their own paragraphs, while the three traditional foundations of marriage – fidelity, permanence and fruitfulness – must together share a single paragraph.

There is another way in which the lack of Catholic marriage doctrine has contributed to the failure of the encyclical: by disowning the virtue of obedience. *Humanae Vitae* actually quotes from Ephesians chapter 5, but commences with the very next verse (Eph. 5:25), deliberately excising Saint Paul's instruction, "Wives submit to your husbands as to the Lord" (Eph. 5:22-24).

Casti Connubii, in contrast, united Scripture, Tradition and the Magisterium as it explained the truth of Christian marriage: "Domestic society being confirmed, therefore, by this bond of love, there should flourish in it that 'order of love,' as Saint Augustine calls it. This order includes both the primacy of the husband with regard to the wife and children, the ready subjection of the wife and her willing obedience, which the Apostle commends in these words: 'Let women be subject to their husbands as to the Lord, because the husband is the head of the wife, and Christ is the head of the Church.'"

During this era in which the Church has maintained a vow of silence on the virtue of obedience in marriage, the crisis over *Humanae Vitae* has continued and has been characterized most often as a crisis of obedience. The period immediately after *Humanae Vitae*'s promulgation was marked by massive defiance and dissent. Theologians openly defied the Vatican; many bishops' conferences issued statements implying that Catholics could use contraception in good conscience.

Pope Benedict XV would not have been surprised by the way a devaluing of the virtue of obedience in the family has resulted in the abandonment of obedience in the

Church. He pointed out the natural connection in his first encyclical (*Ad Beatissimi* 1914):

“The unrestrained striving after independence, together with overweening pride, has little by little found its way everywhere; it has not even spared the home, although the natural origin of the ruling power in the family is as clear as the noonday sun; nay, more deplorable still, it has not stopped at the steps of the sanctuary.”

Humanae Vitae has thus contributed both directly and indirectly to a crisis in which we have gone from losing the battle on birth control to losing the very concept of obedience itself.

3. Natural vs. Artificial Methods

Defenders of *Humanae Vitae* protest against a “mis-reading” that views the encyclical merely in terms of a contrast between “artificial” and “natural” methods of birth control. But this is not a misreading at all; this is the stated message of *Humanae Vitae*. Consider first the title of the encyclical, “On the Proper Regulation of the Propagation of Offspring.” The question is already settled before the discussion has begun: there should be a “regulation”; the issue to be discussed is using “proper” methods.

In fact, the encyclical step by step builds a case for birth control. First it discusses the “serious difficulties” of population, conceding the argument to the population control advocates. Then it speaks of “responsible parenthood,” commending a decision to “avoid new births.” Then it evaluates means to achieve this goal, condemning “artificial methods” while praising “legitimate use of a natural disposition.”

The title of the advisory commission is enlightening: “Papal Commission for the Study of Problems of the Family, Population and Birth Rate.” Family, population and birth rate have now become “problems”; they are no longer *bona*, “goods.” The encyclical starts off with a dire warning about overpopulation, and later refers readers to Pope Paul VI’s prior encyclical, *Populorum Progressio*, where we find even gloomier statements about “depressing despondency” caused by “population increases.”

Section 20 of *Humanae Vitae* tells us that the job of the Church towards the faithful is to “strengthen them in the path of honest regulation of birth” while comforting them “amid the difficult conditions which today afflict families and peoples.” In other words, “People are miserable, so we will help them regulate births that there might be fewer people to be miserable.”

This is a far cry from the attitude of generosity displayed in documents from Pope Paul’s predecessors, who continually strove to enlarge the appreciation of fruitfulness. Pope Pius XII’s 1958 “Address to Large Families,” for example, is a masterpiece that every Catholic family should read and ponder. Compare *Humanae Vitae*’s pinched, meager attitude with Pius XII’s lyrical poetry in praise of new life when he calls for “esteem, desire, joy, and the loving welcome of the newly born right from its first cry. The child, formed in the mother’s womb, is a gift of God, Who entrusts its care to the parents.”

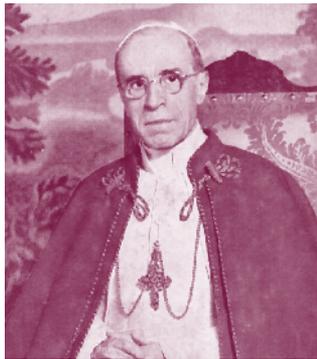
The new goal established by *Humanae Vitae* is “responsible parenthood” rather than “generosity towards children.” Living out the message of the encyclical “undoubtedly requires ascetical practices,” and “perfect self-mastery,” *Humanae Vitae* claims. “Responsible parenthood” means that before deciding to have a child, a couple must “recognize fully their own duties towards God, towards themselves, towards the family and towards society, in a correct hierarchy of values.” *Humanae Vitae*

offers no explanation of these duties, leaving couples to wonder if adding to population growth could likely be a violation of their obligations.

No longer does there exist a presumption in favor of fertility, with any type of birth control – even natural means – reserved for extraordinary cases. Now the “decision to raise a numerous family” must be “deliberate”; it is no longer a natural and spontaneous outgrowth of the marriage commitment.

We find reasons for avoiding a new birth as basic as “harmony and peace of the family” and “better conditions for education.” These reasons can “derive from the physical or psychological conditions of husband and wife, or from external conditions,” while an earlier section had listed “physical, economic, psychological and social conditions.” In other words, one is hard pressed to imagine reasons that would not qualify. Later on, *Humanae Vitae* lowers the bar even further, citing merely “plausible reasons” to seek “the certainty that offspring will not arrive.”

All one need do is “take into account the natural rhythms immanent in the generative functions.” The encyclical repeatedly differentiates between “artificial” birth control and a “natural” disposition. For example, when *Humanae Vitae* famously predicts the harmful results of widespread adoption of contraception, it refers to “the consequences of methods of artificial birth control.” It thus defines the problem as being one of *methods* that are *artificial*, not a lack of fruitfulness, a failure of generosity, etc.



Pope Pius XII

Ironically, despite repeated emphasis on “the path of honest regulation of birth” through “the use of marriage in the infecund periods only,” *Humanae Vitae* achieved a result directly contrary to what it intended. Father Paul Marx, OSB, founder of Human Life International, and a leading teacher and proponent of NFP in the 1960s, has reported, “With *Humanae Vitae*, NFP more or less died in the USA. I did 9 international symposia and many weekend conferences on NFP in various parts of the USA. No bishop encouraged me.”

4. Missing References to Scripture

Vatican II called for a renewed effort on the part of the Church to investigate and reinforce the scriptural basis for its moral teachings. It is ironic that *Humanae Vitae*, one of the first encyclicals released after Vatican II, should have taken just the opposite approach and stripped all the scriptural foundation from its arguments. *Humanae Vitae* makes no reference to any of the standard texts that have been cited for millennia.

In a recent symposium in the journal *First Things*, Gilbert Meilaender and Phillip Turner described the fundamental importance of Scripture, especially for reaching across denominational lines:

“As theologians representing the Lutheran and Anglican churches who seek a common mind with our Roman Catholic brothers and sisters, we think it most appropriate for us to direct our attention to the first of the questions posed for this symposium: ‘Do you judge the argument of *Humanae Vitae* with respect to artificial means of contraception convincing?’ Our answer in brief is *no* ... Though the first three chapters of Genesis are generally cited as *loci classici* for beginning a discussion of marriage and sex, they are not discussed in *Humanae Vitae*. Had more adequate reference been made to Holy Scripture, it might indeed have proved to be the case that ‘a teaching rooted in natural law’ would have been ‘illuminated and made richer by divine revelation.’”

The scriptural supports for the Church’s teaching are numerous and compelling, sufficiently so that all Christian denominations shared the Catholic position until 1930. First of all there is the commandment to “Increase and multiply and fill the earth” found in the very first chapter of the Bible (Genesis 1:28).

Moreover, God gives this commandment not only to Adam, but He repeats it in every case where He makes

a covenant with man. God speaks the same words twice to Noah (Genesis 9:1 and 9:7). God tells Abraham to be fruitful when he changes his name from Abram (Genesis 17:4-6). God gives the same instruction to Jacob when he changes his name to Israel (Genesis 35:10-12). God confirms his covenant with Moses in the same way (Lev. 26:9). The commandment to be fruitful surely must take priority as not only the first given by God to man, but also the one most often emphasized by God.

The story of Onan is another Old Testament reference that directly condemns birth control in the strongest possible way. Despite some modern opinions, all classical Jewish commentators, Saint Augustine, statements of popes, and even all three of the major Protestant founders agree upon the plain meaning of the text: “Intercourse even with one’s legitimate wife is unlawful and wicked where the conception of the offspring is prevented. Onan,

the son of Judah, did this and the Lord killed him for it.”

As Pope Pius XII noted, the Old Testament abounds in additional references

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to fruitfulness: “With what delicacy and charm does the Sacred Scripture show the gracious crown of children united around the father’s table! Children are the recompense of the just, as sterility is very often the punishment for the sinner. Harken to the divine word expressed with the insuperable poetry of the Psalm: ‘Your wife, as a fruitful vine within your house, your children as olive shoots round about your table. Behold, thus is that man blessed, who fears the Lord!’, while of the wicked it is written: ‘May his posterity be given over to destruction; may their name be blotted out in the next generation.’”

My own favorite is Psalm 127, “Behold, children are a gift of the Lord, The fruit of the womb is a reward. Like arrows in the hand of a warrior, So are the children of one’s youth. How blessed is the man whose quiver is full of them.”

The New Testament as well is not lacking in scriptural supports for the Church’s teaching. Pope Pius XI, for example, again unites Scripture, Tradition and the Magisterium, “Saint Augustine admirably deduces from the words of the holy Apostle Saint Paul to Timothy when he says: ‘The Apostle himself is therefore a witness that marriage is for the sake of generation: “I wish,” he says, “young girls to marry.” And, as if someone said to him, “Why?,” he immediately adds: ‘To bear children, to be mothers of families.’”

Another New Testament reference is Galatians 5:19-21, a catalog of sins that Saint Paul condemns as “works of the flesh.” Among them in the original Greek is *pharmakeia*, which is usually translated as “sorcery” but which in the first century A.D. specifically referred to the mixing of potions for illicit purposes, including the prevention of pregnancy. Two additional references to *pharmakeia* (Rev 9:21, 21:8) indicate a similar usage linking it with sexual sins and with murder. Saint Paul says, “I warn you, as I did before, that those who live like this will not inherit the kingdom of God.”

5. Missing References to Tradition

Catholic theology has never been something that can spring full-blown from the brow of Zeus, but rather should manifest beliefs that have been held “always and everywhere by all the faithful.” *Humanae Vitae* stands in stark contrast to the papal pronouncements of Pope Paul’s predecessors, by ignoring the history of its controverted teaching, claiming only its own authority, and making use of few sources more than a decade old.

This despite the fact that the teaching on contraception is almost unparalleled for the vast range of traditional sources supporting the teaching of the Church. The theologian John T. Noonan was a member of the Papal Commission who supported the recommendation to overturn the Church’s teaching. Yet in 1965 he wrote the following:

“In the world of the late Empire known to Saint Jerome and Saint Augustine, in the Ostrogothic Arles of Bishop Caesarius and the Suevian Braga of Bishop Martin, in the Paris of Saint Albert and Saint Thomas, in the Renaissance Rome of Sixtus V and the Renaissance Milan of Saint Charles Borromeo, in the Naples of Saint Alphonsus Liguori and Liege of Charles Billuart, in the Philadelphia of Bishop Kenrick,

and in the Bombay of Cardinal Gracias, the teachers of the Church have taught without hesitation or variation that certain acts preventing

procreation are gravely sinful. No Catholic theologian has ever taught, ‘Contraception is a good act.’ The teaching on contraception is clear and apparently fixed forever.”

Listing even a fraction of the traditional sources would require an article of its own. Here is just a sampling of quotations that indicates the unbroken tradition going back to apostolic times and encompassing every period of the Church’s history:

In 195, Clement of Alexandria wrote: “Because of its

divine institution for the propagation of man, the seed is not to be vainly ejaculated, nor is it to be damaged, nor is it to be wasted” (*The Instructor of Children* 2:10:91:2).

Saint Augustine: “Sometimes this lustful cruelty or cruel lust goes so far as to seek to procure a baneful sterility, and if this fails the fetus conceived in the womb is in one way or another smothered or evacuated, in the desire to destroy the offspring before it has life, or if it already lives in the womb, to kill it before it is born.”

Saint John Chrysostom made numerous references to contraception, including this one: “Why do you sow where the field is eager to destroy the fruit, where there are medicines of sterility, where there is murder before birth? You do not even let a harlot remain only a harlot, but you make her a murderess as well.... Indeed, it is something worse than murder, and I do not know what to call it; for she does not kill what is formed but prevents its formation” (*Homilies on Romans* 24 [A.D. 391]).

A medieval source, the *Penitential* of Vigila of Alvelda (c. A.D. 800), stated: “A woman, also, who takes a potion shall consider herself to be guilty of as many acts of homicide as the number of those she was due to conceive or bear.”

Saint Thomas Aquinas says, “Next to murder, by which an actually existent human being is destroyed, we rank this sin by which the generation of a human being is prevented.”

This tradition did not gradually taper off, but continued to evoke unanimous consent until the very day of Vatican II’s commencement. The same *Notes on Moral Theology* that previously documented the voluminous discussions occurring in 1966, was able to say in 1962, “Since theological discussion of the annovulant drugs began some four or more years ago, moralists have never been less

than unanimous in their assertion that natural law cannot countenance the use of these progestational steroids for the purpose of contraception.” He declared that the

moral status of the pill was a “theologically closed issue.”

Why is all this tradition missing from *Humanae Vitae*? Writing in *Fidelity* magazine, Father Anthony Zimmerman, SVD, a priest serving in Japan and an ardent defender of the Church’s teaching, explains “Why Aquinas Was Kept Out of *Humanae Vitae*”:

“Saint Thomas made the welfare of the human race pivotal for his rejection of contraception. Yet we do not find

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his name in the text of *Humanae Vitae*, except in footnote 9, which really does not allow him to speak. Why did the Vatican exclude the pivotal argument of Aquinas from *Humanae Vitae*? I once had an experience at the Vatican which suggests to me that he was purposefully excluded... It was not yet politically expedient in 1968 to use Thomistic argument. The argument of Saint Thomas about the need to preserve the race might have backfired. At any rate, when we were editing the book *Natural Family Planning* for the 1980 Synod of Bishops, [Father Gustav Martelet's] contribution, which contains the fear of public reaction against the natural law argument even as it is in *Humanae Vitae* now, generated scruples in one or the other of our staff."

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6. Missing References to the Magisterium

Sir Isaac Newton was arguably the greatest genius ever to live, yet he was humble enough to claim that his achievements were possible only because he "stood on the shoulders of giants." Until recently, a similar attitude was a hallmark of papal teaching. Every pope was careful to demonstrate the continuity between his own teaching and that of all his predecessors.

Pope Pius XI, for example, while not neglecting any aspect of the patrimony handed down to him, gave pride of place to his predecessor Pope Leo XIII: "We follow the footsteps of Our predecessor, Leo XIII, of happy memory, whose Encyclical *Arcanum*, published fifty years ago, We hereby confirm and make Our own, and while We wish to expound more fully certain points called for by the circumstances of our times, nevertheless We declare that, far from being obsolete, it retains its full force at the present day."

To what advantage might Pope Paul VI have made use of passages from *Arcanum* such as this one: "God thus, in His most far-reaching foresight, decreed that this husband and wife should be the natural beginning of the human race, from whom it might be propagated and preserved by an unending fruitfulness throughout all futurity of time." Or this passage from Pope Leo's most famous encyclical, *Rerum Novarum*: "No human law can abolish the natural and original right of marriage, nor in any way limit the chief and principal purpose of marriage ordained by God's authority from the beginning: 'Increase and multiply.'"

No such acknowledgement is found in *Humanae Vitae*. Popes Leo XIII and Pius XI are entirely missing; neither is named in the document itself. Pope Leo is included in one footnote, among a long list of sources. Pope Pius XI's

encyclical *Casti Connubii* is footnoted four times, in all four cases in shorter or longer lists that include documents from at least one other papacy. In no instance is there a direct quotation.

Instead there is a section which describes "the various changes that have taken place in modern times," "changes in how we view the person of woman and her place in society," and the "stupendous progress in the domination and rational organization of the forces of nature."

Humanae Vitae says that since we have a "new state of things" with a new "meaning which conjugal relations have with respect to the harmony between

husband and wife," then we "require that the Magisterium of the Church give new and deeper consideration to the principles of moral teaching concerning marriage." Thus *Humanae Vitae* commences by making sweeping claims to invalidate the applicability of all prior pronouncements.

Unlike his predecessors, Pius XII does appear twice in the encyclical, and he is footnoted several times. But when one investigates more closely, it is apparent that his views are not represented. The quotation below represents a key passage from *Allocution to the Italian Midwives* that shows how *Humanae Vitae* took a diametrically different approach from Pope Pius XII:

"Now, on married couples, who make use of the specific act of their state, nature and the Creator impose the function of providing for the preservation of mankind. This is the characteristic service which gives rise to the peculiar value of their state, the *bonum prolis*. The individual and society, the people and the State, the Church itself, depend for their existence, in the order established by God, on fruitful marriages. Therefore, to embrace the matrimonial state, to use continually the faculty proper to such a state and lawful only therein, and, at the same time, to avoid its primary duty without a grave reason, would be a sin against the very nature of married life."

Here in one paragraph are so many of the items that are missing or attenuated in *Humanae Vitae*: we have the "matrimonial state," we have its "characteristic service," we have the "*bonum prolis*," we have "the order established by God," we have "fruitful marriages," we have "primary duty," we have "the very nature of married life"; in short, we have the structure of Natural Law as articulated by the Magisterium of the Church.

While *Humanae Vitae* does refer to the documents of Vatican II, we need to consider two points when evaluating these references in the context of magisterial tradition:

First, when *Humanae Vitae* refers to *Gaudium et Spes*, *Lumen Gentium*, *Inter Mirifica*, *Apostolicam Actuosi-*

tatem, and *Populorum Progressio*, we are reminded that they were “solemnly promulgated by His Holiness Pope Paul VI.” The preponderance of documents from his own pontificate, rather than demonstrating continuity of Catholic tradition, indicates a focus on the present to the exclusion of the two-millennia history of the Church.

Second, all the discussion of marriage and family in Vatican II amounts to one chapter of Part II of *Gaudium et Spes*, a document designed to deal with all the issues of “The Church in the Modern World.” So the Council cannot contribute an extensive amount of doctrine. Moreover, this is the very place where Pope Paul VI intervened to insist on significant changes to the description of birth control and the purpose of marriage. When *Humanae Vitae* cites the following statement from *GS*: “Children are really the supreme gift of marriage and contribute very substantially to the welfare of their parents,” it is quoting words interjected into the document at the behest of Pope Paul VI himself.

7. Reliance on Consequentialist Philosophy

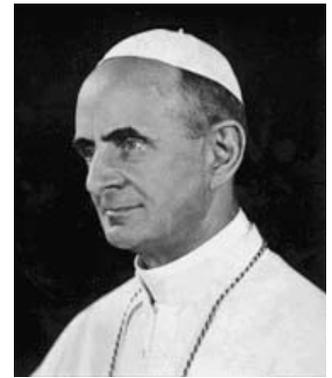
Section 17 of *Humanae Vitae* lists four consequences that will ensue upon widespread acceptance of contraception. This section is not overstated, and even more extensive claims could be supported. The problem with the consequentialist arguments is the undue reliance placed upon them due to the weakness of *Humanae Vitae*'s other arguments.

Human beings are not capable of perceiving all the ultimate consequences of their actions. The causal links between an action and its consequences are always tenuous. More importantly, consequentialist arguments cannot establish the intrinsic rightness or wrongness of a moral action. Bad consequences do not make an action wrong, and good consequences do not make an action right. A discussion of consequences can only reinforce a position that has been established on a solid moral basis.

Since the publication of *Humanae Vitae*, the defense of the Church's position has relied almost entirely on examining the social consequences since 1968. Janet Smith, for example, is the foremost defender of *Humanae Vitae* in the United States, perhaps in the world. Although she is a professor of philosophy with a Thomistic background, she relies primarily on consequentialist arguments when giving her many presentations on the topic.

The most notable defense of *Humanae Vitae* in the United States in the last few years has come from a pastoral letter from a well-respected American bishop. Oddly, however, the document complains about the “terms of academic theology” used in *Humanae Vitae*, as though our problems would be solved by means of even greater ambiguity and imprecision! *Humanae Vitae* itself

is quoted only in reference to its prediction of consequences; not another line from the encyclical appears anywhere in his pastoral letter. What does it say about the intellectual status of the Church when the best defense of *Humanae Vitae* offered in many years (Janet Smith calls it “arguably the very best to date”) relies on



Pope Paul VI

moral reasoning such as this: “Few couples understand their love in terms of academic theology. Rather, they fall in love. That’s the vocabulary they use. It’s that simple and revealing. They surrender to each other. They give themselves to each other. They fall into each other in order to fully possess, and be possessed by, each other. And rightly so.”

Three decades of experience have shown that consequentialist arguments are unconvincing unless the person has already decided on the intrinsic rightness or wrongness of birth control. That’s why we see them used so frequently by those who already agree with the teaching of the Church, with so little effect on those who do not. To make any headway, we need to abandon our reliance on consequentialist arguments, except as anecdotal evidence, and begin again to teach the faithful how to distinguish right from wrong.

8. Reliance on Personalist Phenomenology

The entire argument of *Humanae Vitae* rests upon the sentence, “That teaching, often set forth by the magisterium, is founded upon the inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning.”

In the entire history of the Church, has the magisterium ever put forward as a dogmatic statement such a bare assertion? When *Humanae Vitae* refers to “That teaching, often set forth by the magisterium” it means the prohibition of contraception – which certainly has been “often set forth.” But when it speaks of an “inseparable connection” between “the unitive meaning and the procreative meaning,” *Humanae Vitae* is creating out of thin air a concept that has never before existed in any form of Catholic doctrine.

After this breathtaking act of bare assertion, the encyclical gives virtually no support to its novel concept. Why are there two meanings and not more than two or less than two? What makes them inseparable? Such fundamental questions are left unanswered. A strained

comparison between contraception and marital rape represents *Humanae Vitae*'s only attempt to elucidate this new formula. Nor is it going out on a limb to say that virtually no one, whether defender of *Humanae Vitae* or dissident, has found this explanation convincing.

We must recognize that this new formulation stands in sharp contrast to the justification offered by traditional Catholic theology. The substitution of the new concept “meaning” in place of the traditional language of “end” or “purpose” represents a radical restructuring. This transformation is like taking a house, moving it down the road and placing it onto an entirely new foundation. Philosophers may then debate whether it is the same house at all. The walls and the roof are the same, but can you call it the same house when it has a different foundation in a new location?

How did the magisterium come to discard the natural law explanation of such a fundamental institution as marriage and replace it with a novel and untried philosophy?

The answer, in a word, is “Personalism.” Soon after its release, Cardinal Wojtyla (now Pope John Paul II) offered an extended testimony to the

thoroughly personalistic nature of *Humanae Vitae*. Pope Paul himself confirmed that he relied on the new personalist philosophy in writing *Humanae Vitae*: “We willingly followed the personalistic conception that was characteristic of the Council’s teaching on conjugal society, thus giving love – which produces that society and nourishes it – the preeminent position that rightly belongs to it in a subjective evaluation of marriage.”

Pope Paul VI thus confirmed the opposition between *Humanae Vitae* and the dogmatic pronouncements of Pope Pius XII, who only seventeen years before had said, “Now, the truth is that matrimony, as an institution of nature, in virtue of the Creator’s will, has not as a primary and intimate end the personal perfection of the married couple but the procreation and upbringing of a new life. The other ends, inasmuch as they are intended by nature, are not equally primary, much less superior to the primary end, but are essentially subordinated to it.”

Pope Pius was insistent that this was not just his personal opinion but the received teaching that he was unable to alter or deny, “We Ourselves drew up a declaration on the order of those ends, pointing out what the very internal structure of the natural disposition reveals. We showed what has been handed down by Christian tradition, what the Supreme Pontiffs have repeatedly taught, and what

was then in due measure promulgated by the Code of Canon Law” (n.b.: still very much in force in 1968).

Rev. John R. Waiss of the Tilden Study Center succinctly expresses the difference between personalism and natural law: “In his encyclical Paul VI moved the Catholic Church away from the traditional natural law arguments that were based on an ‘objective’ teleology, i.e., one that emphasizes the *causal link* between sex and procreation or the natural law arguments by design. *Humanae Vitae* (and subsequent interpretations by John Paul II, especially his theology of the body) has taken Catholics and other people of good will in another direction. The encyclical develops the natural law in regard to the *meaning* of the marital union. It tries to get us to ask: what does the marital union *say*? What does contraception *say*? How does contraception affect what the marital union *says*? *Humanae Vitae* develops the natural law argument based on a ‘subjective’ teleology” (emphases in the original).

It is apparent that *Humanae Vitae* acted as a spring-

board by which personalism could launch its new philosophy of marriage, displacing the traditional teaching. Since that time, it has

We find reasons for avoiding a new birth as basic as “harmony and peace of the family” and “better conditions for education.” ... In other words, one is hard pressed to imagine reasons that would not qualify.

replaced all the customary supports of the Church such as history, tradition, authority and hierarchy with an impenetrable philosophy of interpersonal relationships that has proven disastrous in practice. Mustn’t we consider the following questions?

How should we evaluate the phenomenological underpinnings of personalism as a sufficient basis for building a Church? Is it possible to reconcile personalist phenomenology with teleological natural law theory and practice? What is to become of 1960 years of prior history and tradition – are they to go down the Orwellian memory hole? What happens to doctrines like obedience that don’t fit onto the procrustean bed of personalism? What shall we do with personalism when the next pope introduces *his* own brand of philosophy – “Catholic deconstructionism,” for example? And what are we to make of previous magisterial judgments of the Church, such as this one by Leo XIII, when upon concurring with the testimony of a long line of predecessors, he concludes with the words of Innocent VI: “[Saint Thomas Aquinas’] teaching above that of others, the canonical writings alone excepted, enjoys such a precision of language, an order of matters, a truth of conclusions, that those who hold to it are never found swerving from the path of truth, and he who dare assail it will always be suspected of error.”

9. Without Teleology there is no Natural Law

Our final reason for the failure of *Humanae Vitae* is last in order, but first in importance: the denial of teleology. Teleology incorporates two principal aspects: *design* and *purpose*. Just as eyes are designed to see and fish are designed to swim, we have been designed by our creator for a purpose. Specifically, teleology means that our sexuality, the conjugal act itself, and the institution of marriage have all been designed by God to achieve a purpose, His purpose.

The absence of teleology has affected *Humanae Vitae* on two levels. On a practical level, the absence of a “primary purpose of marriage” has been the most often noted element of *Humanae Vitae*’s new approach to marriage. On a more fundamental level, the absence of teleology means that the encyclical can have no coherent approach to natural law.

We have already seen examples in which the primary purpose of marriage was spelled out clearly in the past, but was excluded from *Humanae Vitae*. To summarize and conclude, here are the words of Pope Pius XII from his *Allocution to the Italian Midwives* in which he specifically rejects personalist language (i.e. “reciprocal gift and possession”), and then describes the “great law” of marriage:

If nature had aimed exclusively, or at least in the first place, at a reciprocal gift and possession of the married couple in joy and delight, and if it had ordered that act only to make happy in the highest possible degree their personal experience, and not to stimulate them to the service of life, then the Creator would have adopted another plan in forming and constituting the natural act. Now, instead, all this is subordinated and ordered to that unique, great law of the ‘generatio et educatio prolix,’ namely the accomplishment of the primary end of matrimony as the origin and source of life.

Those who proselytize on behalf of *Humanae Vitae* recoil from such natural law language due to a widespread belief that people cannot understand it. But the historical evidence all comes down on the other side. Here follows an example of the type and quality of teaching that was once presented to average Catholic laymen and women starting out on their marriages:

Since Catholics maintain that the primary purpose of

the generative faculties is reproduction, they have always prohibited the deliberate exercise of this drive outside of marriage. [Note how the same argument applies against fornication, adultery, sodomy, etc.]... Happiness and success in marriage can result only from the fulfillment of God’s plan in establishing marriage. We want to know, therefore, what God intended when He created man “male and female,” and blessed marriage as the union of “two in one flesh,” saying, “increase and multiply” [Beginning Your Marriage, Cana Conference of Chicago, 1957].

Now that three decades have passed, isn't it time that we as the Church started taking responsibility for our own failings and stopped bemoaning the fact that the encyclical was never given a fair hearing?

In simple marriage manuals once handed out to newlyweds we find a level of discourse that has virtually disappeared in the Church today. We see teleological natural law arguments presented in a way people could immediately grasp. And we must be struck by the success of this method compared to the methods of *Humanae Vitae*. At the beginning of this article we documented the precipitous decline in fertility rates among Catholics that started in the late 1960s.

It is indisputable that the Church was extremely successful during the years that it believed and taught natural law. It is equally indisputable that the Church has failed in this important task during the years that it has abandoned this philosophy. Some say that this is only a coincidence, that one cannot claim *post hoc, ergo propter hoc*. But what possible reason could there be to stick with a methodology that has been such a failure, and what possible harm could there be in using the method that was so successful? Is it because we’re so concerned about losing that last one to three percent? Or is it simply an unwillingness to examine ourselves humbly, to confess our mistakes, to admit defeat, and to retrace our steps?

Now we can now see why the absence of teleology has crippled the philosophical coherence and integrity of the encyclical. We can understand the reason Budziszewski said, “Though the encyclical letter is magisterial in the sense of being lordly, it is not magisterial in the sense of teaching well. It seems to lack the sense, which any discussion of natural law requires, of what must be done to make the self-evident evident, to make the intuitive available to intuition, to make what is plain in itself plain to us.”

Back in 1968, and during the intervening years, many commentators expressed their appreciation for the absence of teleological arguments. They were certain

that this medieval method and language was holding the Church back from making progress in the modern era. Most of all, they thought that this holdover from the pre-Reformation Church was limiting our ability to engage in ecumenical dialogue.

From our vantage point of hindsight, we know that abandoning natural law did not bring about an ecumenical reunion, but it did cause a new schism. This result is not surprising to participants in the newly reinvigorated discussion of natural law, which includes such prominent philosophers as Alasdair MacIntyre, John Finnis, Germain Grisez, Robert George, Russell Hittinger, and Ralph McInerny. They have demonstrated that the *only* way we can engage in meaningful dialogue with other moral systems is through the instrumentality of teleology. The Rev. David K. Weber expressed this well in *First Things*:

If we conclude that rival moral systems are closer to a serious and fruitful encounter, it is because these rival systems are becoming more teleological in a Thomistic sense.... While they may explicitly reject a teleologically fixed moral order, they must, in giving a public account of their moral philosophy, smuggle in such an order to render their philosophy intelligible. So, for example, no moral system can speak of moral progress unless it articulates the direction and goal of that progress.

This revival of interest in natural law is often dated to the publication of Alasdair MacIntyre's *After Virtue* (1981). Gilbert Meilander, in

describing the world as seen by MacIntyre, could just as easily be describing the Church after *Humanae Vitae*:

What we had lost was a teleological understanding of human life. The moral duties and virtues that traditional morality commended made sense only if they were understood as depicting the means by which we could get from our present self-interested and sinful state to a quite different state: human nature in its flourishing condition, as it could be if its telos were realized.... Only if understood as the way from our present corrupted nature to our promised flourishing nature could these precepts make sense. Ripped from that setting,

traditional precepts were bound to seem arbitrary and hard to defend – with the flavor of inexplicable taboos.

Could there be a better description of society's failure to appreciate *Humanae Vitae's* condemnation of contraception, a precept "ripped from" its setting in Scripture, Tradition, the Magisterium and teleological natural law? Doesn't popular opinion view it precisely as an "inexplicable taboo"?

The participants in this "school" of natural law are still far from reaching consensus, and there is disagreement about moral issues, contraception included. But since the main thesis of Alasdair MacIntyre's book was that the loss of teleology had made meaningful moral discourse impossible, the fact that there are important moral theologians who are able to talk to each other again is a sign of hope.

Why then should the post-conciliar Church, as represented by *Humanae Vitae*, abandon its patrimony of teleological realism at the very time when the rest of the world is re-discovering its glories? (MacIntyre, for example, was previously a Marxist.) Should we not instead return like a Prodigal Son to the philosopher whom Pope Leo XIII described as "likened to the sun, for he warmed the whole earth with the fire of his holiness, and filled the whole earth with the splendor of his teaching"?

Only when she returns to her "perennial philosophy," only when she reclaims the teleology that has stood the test of time, only when she abandons philosophical fads, only then will the Church once again

speak with authority, with the conviction of Truth, with logic, precision and consistency, and with the ability to move the hearts of both the faithful and "all men of good will," as she desires to do. ✠

At the Lambeth Conference of 1930, the Church of England approved the use of contraception by married couples, the first time such a thing had been permitted by any Christian denomination.... Birth control usage became widespread among Protestants following this historic event, and fertility rates among white Protestants soon entered a period of decline from which they have never recovered.



John Galvin is a Catholic layman of the post-Vatican II generation, and the father of 11 children (10 now living).

Janet Smith Comments

John Galvin argues that if *Humanae Vitae* were a better document (not “fatally flawed” and more like *Casti Connubii*) so many Catholics would not be contracepting. Galvin thinks virtually no one has been or could be persuaded by the arguments of *Humanae Vitae* or its advocates. I contest both claims.

Humanae Vitae certainly is not perfect (though I think it quite excellent in many respects) and Galvin ably establishes that *Casti Connubii* has strengths that *Humanae Vitae* does not. But I hardly find persuasive the contention that the inadequacies in *Humanae Vitae* are responsible for the fact that Catholics contracept at the same rate as the rest of society. Indeed, according to Galvin’s principles (excellent arguments persuade), if *Casti Connubii* had been so excellent *Humanae Vitae* (or a better document) shouldn’t have been necessary; Catholics should already have been persuaded. Moreover, *Casti Connubii* is still in print; if it is so persuasive why isn’t it succeeding even now? From Galvin’s principles, it seems the proper conclusion is that both documents are terribly flawed for neither has succeeded.

Another conclusion could be drawn: neither encyclical has succeeded because neither has been taught, nor are people prepared to receive their teachings. Since the Church’s teaching on contraception remains largely untaught it is impossible to determine if it is *how* it is being taught that is the problem. Until Catholics are taught the Church’s teaching we won’t know what kind of approach is persuasive. (I will speak about my own experiences below.)

Perhaps Mr. Galvin and I have different expectations



Janet E. Smith, on leave from the University of Dallas, is Visiting Professor of Life Issues at Sacred Heart Major Seminary in Detroit and Visiting Adjunct at Ave Maria College in Ypsilanti, Michigan.

of an encyclical: he wants it to be persuasive and finds it flawed if it does not persuade. I think good arguments often fail to persuade because of confusion and recalcitrance on the part of the audience. Moreover, I have relatively low standards (maybe too low) for a magisterial document: I am quite content with a reaffirmation of the Truth. Church teaching surely deserves at least three things: 1) good philosophical and theological support; 2) persuasive presentation; and 3) a respectful hearing. It would be splendid if magisterial documents could provide both 1 and 2 and could receive 3, but sometimes they don’t and sometimes perhaps because of various cultural and ecclesiastical realities. When such is the case, it is up to the theologians and presenters of the teaching to supply what is missing. Galvin’s piece is helpful for highlighting elements not so well treated in *Humanae Vitae*; those who would defend the Church’s teaching might do well to incorporate some of those elements into their teaching.

And, there are, in fact, different kinds of philosophical and theological arguments that can be advanced for the same position. It is not up to an encyclical to try to present all the various philosophical and theological arguments that are available nor to find arguments that would be

persuasive to every reader. The most challenging argument that Galvin makes is that *Humanae Vitae* does not rely sufficiently upon natural law arguments, tradition, or scripture and that its defenders have relied too much on reciting the terrible consequences of a contraceptive lifestyle and on the personalist arguments of the present Holy Father. (I note that Galvin himself could not resist using a remarkable number of consequentialist arguments in his own piece – both against contraception and *Humanae Vitae*!) I, too, have bemoaned the Church’s abandonment of natural law in many of its documents but I have also found Pope John Paul II’s arguments illuminating and persuasive, and references to consequences open the eyes of many. My approaches to defending the Church’s teaching on contraception have

been manifold; most of my articles are available on my website for those interested in seeing various kinds of defense that can be made (www.udallas.edu/phildept/smith.htm). This does not mean that there might not be better arguments to be made!

We do need to think about the difference between a good philosophical/theological argument and a good rhetorical argument. To explain the distinction to my students in bioethics I have them consider the difference between trying to persuade a young woman outside of an abortion clinic that she should not have an abortion, writing an editorial for a newspaper, and writing a scholarly analysis of abortion. Reference to substance and accident, actuality and potentiality, Church authority, and Scripture are unlikely to be the most persuasive approaches in front

of a clinic or in an editorial, though they may be the very best ways of proving philosophically and theologically that abortion is killing. But what may convince a young woman contemplating an abortion is an offer of baby clothes, or a reference to the possibility that she will compromise her own future fertility or mental health. What works in an editorial may be very time and context sensitive. Reference to God and sin will be persuasive to some and a complete turn-off to others. Arguments noting the terrible consequences generally resulting from an evil work with some and fail with others. Finding effective rhetoric is a demanding enterprise.

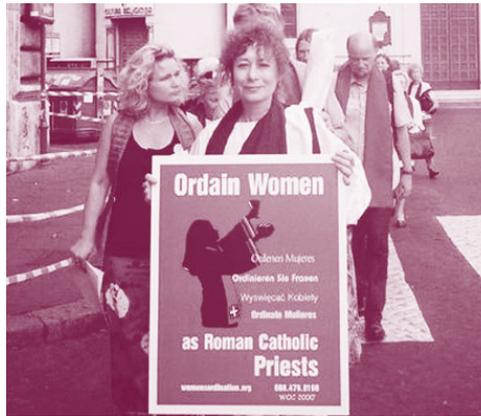
It is a truly daunting task to attempt to persuade Catholics who have no knowledge of natural law, little knowledge of Scripture, no knowledge of the tradition and a negative attitude towards Church authority, of any Church teaching. Even more so when these Catholics live in a culture that has a view of sexuality radically opposed to the Catholic understanding. The arguments that are philosophically and theologically the strongest often fail persuasively since the audience frequently seriously misinterprets what is being said. *Humanae Vitae* was trying to meet the needs of the time. From his arguments, it is possible to think that Galvin believes Pope Paul VI would have done better to have reissued *Casti Connubii*. I suspect it would not have met a better fate.

Galvin's assessment conflicts with the feedback that

I get from my work, which is a blend of the old and the new, of natural law arguments, of reference to scripture, of references to the terrible consequences of contraception, of personalism and reference to John Paul II's theology of the body. I have reason to believe my tape has

changed the minds of thousands – perhaps more – and has even been instrumental in conversions and vocations. Really, I don't take a lot of credit for that; I honestly don't think the reasons against contraception are that hard to understand. Chris West gives a markedly different defense from mine – his draws entirely on Pope John Paul II's theology of the body; I have heard young men say that he has completely changed their thinking

about sexuality and, thus, their lives. Any clear and fair presentation of the Truth can be powerful for those who are



Much of the opposition to the Church's teaching on contraception comes from those who have a problem with an authoritative Church, those who have been educated by dissenters, or those who are morally corrupt.

open to it.

Much of the opposition to the Church's teaching on contraception comes from those who have a problem with an authoritative Church, those who have been educated by dissenters, or those who are morally corrupt. Yet, again, I think a major problem is that few Catholics or others have ever heard *any* explanation of the Church's condemnation against contraception, whether one based on *Humanae Vitae* or *Casti Connubii*.

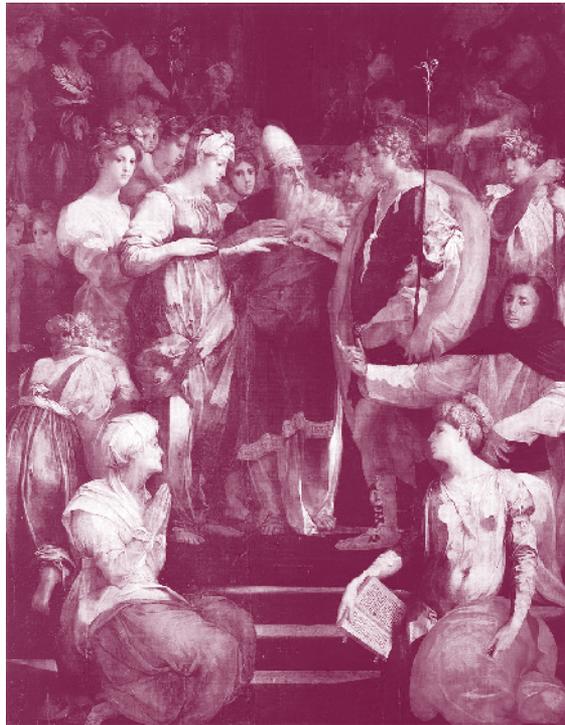
Perhaps we should perform an experiment. We could put together five groups of Catholics; let each group do one of the following: read *Casti Connubii*; read *Humanae Vitae*; read Archbishop Charles Chaput's pastoral letter; listen to my tape; listen to Chris West's tapes. We could then see which approach wins the most advocates for the Church's teaching on contraception. Nonetheless, even if one method proves considerably more successful than the others – say, for instance, that *Casti Connubii* proves more successful than the theology of the body or the theology of the body more successful than *Casti Connubii* – it would not be wise to insist that only one approach be used, since different approaches work with different individuals. I am all for having an army of defenders of the Church's teaching on contraception out there in the schools and parishes and media; let them choose whatever true, valid, and persuasive approach they can find. ❖

Ronald McArthur Comments

Find it difficult to comment upon Mr. Galvin's paper. His denunciation of *Humanae Vitae* and the circumstances surrounding it is so encompassing that, after having been enlightened by him to see its complete failure, it seems that we cannot but join in denouncing it. Yet the document deserves the hearing it cannot get from Mr. Galvin. He would have us believe, in his introductory remarks, that the encyclical abandons Scripture, tradition, Catholic doctrine, and Catholic philosophy – all of which should have been included "if it wished to present the Catholic teaching in all its fullness and beauty and with the requisite persuasiveness." The encyclical, however, refers to Scripture, tradition, Catholic doctrine, and the natural law. Mr. Galvin would have us think that because the Pope has not given us an extensive teaching on each of these topics that he has abandoned them. If this means anything it means that the encyclical proposes under the guise of the traditional doctrine a novel and rootless exercise in contradiction to it. This is to attribute to the Pope either an intent to destroy by confusion the minds and hearts of the faithful, or a total confusion about his subject. In the one case he is properly devilish, while in the other he is culpable of a serious neglect of his duties.

The fact is that the encyclical did not intend "to present the Catholic teaching in all its fullness and beauty," and did not intend an extensive discussion of the natural law and the traditional doctrine. The Pope intended instead to set the groundwork for a decision

concerning certain difficulties that had surfaced in our times concerning the Catholic doctrine about sex and marriage. No more, no less. This he did with sufficient clarity, so that both those who accept his document and those who reject it know what he says and what he means. Those who reject it know that it comes to more of the same thing, and those who accept it rejoice that he has reaffirmed the traditional ban on artificial contraception. Mr. Galvin, then, can be driven to despair because



Marriage of the Virgin (1523) Rosso Fiorentino

The fact is that the encyclical did not intend "to present the Catholic teaching in all its fullness and beauty," and did not intend an extensive discussion of the natural law and the traditional doctrine. The Pope intended instead to set the groundwork for a decision concerning certain difficulties that had surfaced in our times concerning the Catholic doctrine about sex and marriage.

the encyclical has not satisfied him, but he cannot demand of it what it does not intend to give; still less can he, without proof, convict Paul VI of abandoning the principles to which he claims adherence throughout his document. While Mr. Galvin is correct when he says that the large majority of Catholics have not been persuaded by the encyclical, it doesn't follow that the fault must lie with the document itself. It could be that those it should have instructed were so much habituated and accustomed to the mentality and use of contraception that nothing could reach them. I take it that Mr. Galvin is satisfied with Catholic teaching before *Humanae Vitae*, so that had it

been imitated in substance and method the newer encyclical might well have convinced the bulk of those who remain unconvinced. That previous teaching, however, did not persuade the likes of Albino Car-

dinal Luciani, who was later to become Pope John Paul I. He was convinced, prior to *Humanae Vitae*, that the Church should change its teaching on contraception, and

he was far from alone among the hierarchy.

It is a misconception of the role of the Vicar of Christ to demand of his encyclicals an elaborate theological treatise. His main role as the supreme and universal teacher is not to engage in theological dispute, but at the margin to overarch those disputes and tell us when necessary the basic truth about faith and morals. *Humanae Vitae* is a message from the shepherd to his flock, not the disputation of a particular theologian prepared for the judgment of a parallel magisterium.

According to the encyclical, the justification of artificial methods of birth control is based mostly upon an understanding of the demands of conjugal love and responsible parenthood. The document, therefore, by attending to the nature of conjugal love and responsible parenthood, teaches that when they are understood rightly they underscore the traditional teaching, which forbids

totally the use of artificial contraception. Mr. Galvin's criticism, however, boils over as he contrasts the abysmal failure of Paul VI with the virtues

of *Casti Connubii*, a document he seems to find satisfactory. Does his preference, however, permit him at the same time to falsify the document he so hotly opposes? While the Pope does discuss the question of contraception from the point of view of conjugal love and responsible parenthood, while he does admit the possibility of a legitimate limiting of birth by natural means ("made for grave motives and with the respect for the moral law"), it is not legitimate to conclude, as Mr. Galvin puts it, that "the encyclical step-by-step builds a case for birth control" – as if the document insinuates an approval of the contraceptive mentality, but must reluctantly concede that we are mired in the old and tired doctrine from which he cannot as yet extricate us.

The intent of the document shows itself to be different. It is to teach that, granting all the possible concessions to his adversaries, and even agreeing with them wherever possible, the moral law stands: sexual union is ordered to reproduction, the end of marriage is to beget and educate the begotten, artificial contraception renders the sexual union intrinsically disordered, and serious consequences result from this disorder. Mr. Galvin is correct when he says that the document begins on the negative note of doom and gloom all around; it rehearses the trials and

difficulties of marriage, notes the problems of starvation and overpopulation, and as well the changes that have taken place in the consideration of the education of children, the place of woman in the conjugal act, and the nature of conjugal love itself. While one might have hoped for a more positive beginning, with less if any concession to a modern mentality, hostile as it is to any sane teaching on marriage, we yet know that it becomes easy to find fault with those in authority in the measure in which we are not ourselves responsible for the general welfare of others. How then does anyone know how the Pope should have discharged his own responsibility? How does anyone know that it would have been better discharged by following his own inclinations? What we all know is that Paul VI saw fit to write the document he did, and that we believers have the obligation to accept it according to the most balanced reading we can give it. It is unfortunately

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possible in this case that someone, lusting for anything the Pope will give him, could rip the first part of the document out of context, and try

to justify Natural Family Planning as the norm of matrimony – as has indeed too often happened. That, however, is to misread the whole, which teaches that though there be modern problems, perceived or real, though there may be grave reasons that permit Natural Family Planning, the traditional doctrine remains the norm, and it is based as always upon the foundations of nature and revelation. .

Mr. Galvin is also disturbed by what he considers the undue emphasis upon consequentialist arguments, which he attributes to "the weakness of *Humanae Vitae's* other claims." There is, however, no such undue emphasis, or even any emphasis at all. The Holy Father states, at the beginning of the section on the consequences of artificial birth control, that upright men might become more convinced that it is an evil by reflecting upon those consequences. Since effects are signs of their causes, there is nothing exceptional in pointing out those consequences, so long as they are not in this case the burden of proof. Why couldn't the Pope think that in our time, when the knowledge of parts of the natural law have been all but extinguished in the minds and hearts of even the faithful, that an argument from effects might be more telling for them? And if it is not, then what? The emphasis of the encyclical lies in its reaffirmation of the natural law concerning sexual relations, and of the intrinsic disorder of artificially disrupting the natural order which is the measure of our sexual relations.

Ronald P. McArthur is president emeritus of Thomas Aquinas College and a contributing editor of The Latin Mass.

Mr. Galvin's last criticism is the most radical. Here he tells us that the entire teaching of the encyclical depends upon the assertion that there is an inseparable connection between a unitive and a procreative meaning in the conjugal act. He finds this a bare assertion unparalleled in the history of the Magisterium, and it comes in his mind to a rejection of the traditional teaching of the Church. It undermines, as he would have it, the natural law, and rejects as a consequence the teaching of Saint Thomas, without which we flounder.

The document, however, reads differently. After discussing conjugal love, responsible parenthood, and respect for the nature and purpose of the conjugal act, it says that the Church teaches "that each and every

marriage act must remain open to the transmission of life." It then gives the basis for that constant and traditional magisterial teaching, which is

that there is an "inseparable connection willed by God and unable to be broken by man, on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning." Now, contrary to Mr. Galvin, the Pope does not depart from the traditional dogmatic teaching, which he clearly

asserts. He claims that the traditional teaching, with which he does not tamper, rests upon the two inseparable meanings of the marriage act. His intent seems to be that there is a unitive meaning to the marriage act, but that it cannot be separated from the procreative meaning so that it becomes the avenue to contraception. Now granting that the particular statement is new (if it is), why should our first reaction be to ridicule it by a series of pointless and obfuscating rhetorical questions? Why not rather ask whether it is true? Does Mr. Galvin know that there is no unitive meaning to the marriage act? Why, instead of becoming delirious, does he not prove the opposite – and prove rather than telling us that *Humanae Vitae* is so disastrously flawed that it must be discarded as the authoritative teaching

it claims to be?

Despite Mr. Galvin, with all his sound and fury, the fact stands: the encyclical teaches with magisterial intent

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the traditional doctrine of the Catholic Church. Why not, then, as faithful Catholics, accept that teaching in the sense in which it is proposed, and, if we wish, discuss it calmly and deliberately, with due respect for the document itself, and for the Vicar of Christ, who was, after all, the author? ✠

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John Galvin Responds to the Commentaries

Let me first express my appreciation to Dr. Janet Smith and Dr. Ronald McArthur for their thoughtful responses to my article on *Humanae Vitae*. And let me acknowledge that Janet Smith cannot be blamed for *Humanae Vitae*'s failure, for she, perhaps more than anyone else, has done everything possible to advocate its teaching and, as she says, "to supply what is missing."

What I find most striking about the two responses is the great deal of agreement expressed. First, there is general agreement that *Humanae Vitae* has failed to teach and to persuade Catholics. While viewpoints differ concerning the cause, there is agreement that the failure to present Scripture, Tradition, the Magisterium and natural law was at least partially responsible. Dr. McArthur says, "The fact is that the encyclical did not intend 'to present the Catholic teaching in all its fullness and beauty,' did not intend an extensive discussion of natural law and the traditional doctrine." Dr. Smith says, "I, too, have bemoaned the Church's abandonment of natural law in many of its documents." When one gets statements of agreement as strong as these from one's putative opponents, it would be foolish to hope for more.

While the two respondents may contest my conclusions, I'm grateful that their responses grant me the opportunity to clear up any misunderstandings caused by my lack of clarity in the article, rather than wasting words in pointless debating.

1. Both writers feel that I present the issue as a contest between *Humanae Vitae* and *Casti Connubii*. Let me clarify: the contest is not between one document and another, but between *Humanae Vitae* on one side and all of sacred history on the other. If anything, my article quotes more often from Pius XII than from Pius XI, but both popes merely represent a long line of tradition dating from the day when God first breathed life into Adam and told him to "be fruitful and multiply." This tradition is continued when God repeats His message numerous times in Genesis, when the Psalms speak repeatedly of fruitfulness, when Saint Paul says that marriage is for the sake of begetting children. It is reinforced by Chrysostom, by Augustine, by Aquinas. This message is repeated by every recent pope including the two mentioned above, but also by Pope Leo XIII and the often neglected Benedict XV, who is quoted in my article on the issue of obedience, and who is also the author of the canon law upon which his successors founded much of their teaching. This

sacred history – from the moment of creation until the very day of Vatican II – spoke with one unanimous voice on the topics of marriage, sex and procreation, a voice that is missing from *Humanae Vitae*.

2. Dr. McArthur, however, believes *Humanae Vitae* does speak with the same voice: "The encyclical teaches with magisterial intent the traditional doctrine of the Catholic Church." Let's examine the issue: Does *Humanae Vitae* teach us to "be fruitful and multiply"? No, instead it warns us about overpopulation. Does *Humanae Vitae* specify the "primary purpose of marriage," a teaching considered so crucial by his predecessors and even by Pope Paul himself when he intervened into the writing of *Gaudium et Spes*? No, instead Pope Paul declares that *Humanae Vitae* gave "love" the "preeminent position that rightly belongs to it in a subjective evaluation of marriage." Does *Humanae Vitae* teach submission of wives to husbands as the foundation of the "order of love" within marriage? No, instead it bowdlerizes Ephesians and proposes "changes in how we view the person of woman and her place in society." Does *Humanae Vitae* promote the education of children? No, instead *Humanae Vitae* mentions the expense of education as a reason to avoid having a large family. Cardinal Mercier, one of Europe's most prominent twentieth-century churchmen, expressed the traditional teaching this way: "The original and primary reason for the union of man and woman is the foundation of a family, the begetting of children whom they will have the honor and the obligation to rear in the Faith and in Christian principles.... Rather than seeking out the means – even legitimate means – of limiting the offspring, what is really important for the married couple is to discover the reasons for having many children. How beautiful are such reasons!... The law of fecundity expects the parents to have as many children as they are capable of rearing in a human and Christian manner. As for birth control, the law of chastity sets the rule: nothing may be done artificially to frustrate conception." *Humanae Vitae* has maintained only that final part. Those Catholics who mistakenly believe this is the whole of Church teaching may be satisfied that it did just this much.

3. Both writers assert that the sacred tradition represent-

ed by *Casti Connubii* can be said to have failed just as much as has *Humanae Vitae*. But this does not coincide with the facts of history. E. Michael Jones has documented the fact that the postwar “baby boom” was almost strictly a Catholic phenomenon. My article presented data showing Catholic birthrates remained high until the late 1960s, whereupon they plunged to even lower levels than Protestants. *Notes on Moral Theology* in 1962 claimed unanimous agreement among moralists and declared that contraception was a “theologically closed issue.” *Catholic doctrine succeeded in convincing the faithful (including theologians) for as long as it was taught.*

Contrary to Dr. Smith’s statement that “*Casti Connubii* is still in print,” and Dr. McArthur’s statement that only “someone lusting for anything the Pope will give him” would “try to justify NFP as the norm of matrimony,” the traditional doctrine has been discarded since *Humanae Vitae*. No less a personage than Msgr. Cormac Burke of the Roman *Rota* has published articles announcing that the Church’s traditional doctrine on marriage has been repealed by the papacy’s recent silence on these topics, combined with the new personalist approach to marriage. Father Torraco, who answers morality questions on EWTN’s website, claims that those who decline to use NFP and “leave procreation in the hands of God” are practicing a “deficient,” “deceptive” and “less than human” approach.” Father Hogan, who answers NFP questions, tells Catholics that “it is better to have 2 or 3 children you can educate all the way than 7 or 8 that you can only take so far.” If this is what the Roman *Rota* and EWTN teach, one shudders to think what is taught by liberals (although in fact we know only too well).

4. Janet Smith presents it as a pragmatic issue of finding the most effective arguments, and she even proposes focus group research. Here let me agree with her statement, “I am quite content with a reaffirmation of the Truth.” I am not looking for persuasive arguments; rather I am convinced that men recognize the Truth when they hear it, even if they choose to deny it. If the Devil proposed a pragmatic lie that he guaranteed would bring back the faithful to Catholic doctrine, we must unequivocally reject it. (Yet isn’t it ironic that these pragmatic lies never do succeed as promised?)

Can this Truth that needs to be reaffirmed be found in any document that abandons Scripture, Tradition, the Magisterium, and Thomistic philosophy? No, for these *are* Catholic doctrine, these *are* the Truth.

There is no other. If someone (even a pope or even an NFP advocate) were to “speak with the tongues of men and angels” but the content of his message was something else, then he is just a “clanging cymbal.” Can we say, as do Smith and McArthur, that the encyclical is good enough, but it just doesn’t meet John Galvin’s private standards? As far as I can tell, the standards I am applying are eminently public, defined by the Church, and taught for millennia. Without Scripture, Tradition and the Magisterium you have no Catholic doctrine, and without teleology, you have no natural law. While McArthur might maintain that “the emphasis of the encyclical lies in its reaffirmation of the natural law,” he offers no supporting citations, while Janet Smith, a professor of Thomistic philosophy specializing in natural law, makes no such claim; in fact she admits the opposite.

5. Lastly I will address the point made explicitly by Dr. McArthur, but which is implicit in virtually all defenses of *Humanae Vitae*: “Paul VI saw fit to write the document he did, and we believers have the obligation to accept it.” Here I must defer to Father Chad Ripperger’s brilliant article, “Operative Points of View,” published in *The Latin Mass* magazine. Father Ripperger explains better than I can that at a time when “some ecclesial documents today do not have any connection to the positions held by the Magisterium prior to the Second Vatican Council,” Catholics are faced with a choice either to be a “magisterial positivist” who believes that “whatever the current Magisterium says is *always* what is ‘orthodox,’” or to be a “traditionalist” who takes “Scripture, intrinsic tradition, extrinsic tradition *and* the current Magisterium as the principles of judgment of correct Catholic thinking.” This, finally, is where the reader must take a stand: Do you believe that “because it is present (Hegelianism), because it come from us (immanentism), [the newer] is necessarily better,” or do you “hold to the extrinsic tradition as something good, something which is the product of the wisdom and labor of the saints and the Church throughout history”?

There is one last point that needs to be addressed: Dr. McArthur’s claim that Pope John Paul I was a dissenter against the Church’s teaching on contraception. This is a novel claim and a serious charge, which if true, would indeed be groundbreaking news. But I suggest that such an accusation requires at least a minimum of proof, preferably a great deal more than a minimum. ✠